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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,816	03/14/2005	Takenori Ohshita	043207	. 6450
	7590 12/28/2006 HATTORI DANIELS A	EXAMINER		
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036			BINDA, GREGORY JOHN	
			ART UNIT	PAPER NUMBER
			3679	
SHORTENED STATUTORY	Y PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE	
3 MONTHS 12/28/0		12/28/2006	PAPER '	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)				
	10/527,816	OHSHITA ET AL.				
Office Action Summary	Examiner	Art Unit				
	Greg Binda	3679				
The MAILING DATE of this communication Period for Reply						
•	EDIVIO SET TO EVDIDE 2 M	MONTH(S) OR THIRTY (30) DAVS				
A SHORTENED STATUTORY PERIOD FOR REWHICHEVER IS LONGER, FROM THE MAILING. Extensions of time may be available under the provisions of 37 CF after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory provided to reply within the set or extended period for reply will, by some any reply received by the Office later than three months after the rearned patent term adjustment. See 37 CFR 1.704(b).	G DATE OF THIS COMMUN FR 1.136(a). In no event, however, may a n. eriod will apply and will expire SIX (6) MO statute, cause the application to become A	ICATION. reply be timely filed NTHS from the mailing date of this communication. NBANDONED (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on _						
2a) ☐ This action is FINAL . 2b) ☒	·					
·	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice und	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4)⊠ Claim(s) <u>1-13</u> is/are pending in the applica	4) Claim(s) <u>1-13</u> is/are pending in the application.					
4a) Of the above claim(s) is/are with	4a) Of the above claim(s) is/are withdrawn from consideration.					
5)⊠ Claim(s) <u>8-12</u> is/are allowed.	5)⊠ Claim(s) <u>8-12</u> is/are allowed.					
6)⊠ Claim(s) <u>1,2,6,7 and 13</u> is/are rejected.	☑ Claim(s) <u>1,2,6,7 and 13</u> is/are rejected.					
7)⊠ Claim(s) <u>3-5</u> is/are objected to.	Claim(s) <u>3-5</u> is/are objected to.					
8) Claim(s) are subject to restriction a	nd/or election requirement.					
Application Papers						
9) The specification is objected to by the Example 1	miner.					
10)⊠ The drawing(s) filed on <u>14 March 2005</u> is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the co						
Priority under 35 U.S.C. § 119		·				
12)⊠ Acknowledgment is made of a claim for for a)⊠ All b)□ Some * c)□ None of:	eign priority under 35 U.S.C.	§ 119(a)-(d) or (f).				
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority document	2. Certified copies of the priority documents have been received in Application No					
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bu						
* See the attached detailed Office action for a	a list of the certified copies no	t received.				
Attachment(s)	_					
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date						
Notice of Dransperson's Patent Drawing Review (PTO-946) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 3/14/05 & 10/24/05.		Informal Patent Application				

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Drawings

1. Figures 8 & 9 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

- 2. The drawings are objected to because:
 - a. In each of Figs. 1 & 6, multiple views share a single label.
 - b. Both of reference characters D2 & D1 are used to identify the radius of the convex portions 7. See page 10, line 30 and page 11, line 6.
 - c. The tapered holes mentioned at page 11, lines 13-15 are not identified by reference numerals.
 - d. The drawings fail to show the limitations of claims 7 & 10.
- 2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

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pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

- 3. The disclosure is objected to because:
 - a. The summary at page 3, lines 18+ and page 5, lines 19+ is improper for failing to being written in narrative form. It instead employs the legalistic form used in claims.
 - b. The detailed description of the invention, which begins on page 9, must be preceded by the brief description of the drawings.
- 4. The incorporation of essential material in the specification (see page 9, lines 31 & 32) by reference to a non patent publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference, if the material is relied upon to overcome any objection, rejection, or other requirement imposed by the Office. The amendment must be accompanied by a statement executed by the applicant, or a practitioner representing the applicant, stating that the material being inserted is the material previously incorporated by reference and that the amendment contains no new matter. 37 CFR 1.57(f).

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 13 contains the limitations "JIS A" and "JIS D". Where a government or industry standard is used in a claim as a limitation, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph because the claim scope is uncertain since standards are subject to change over time. In order to overcome this rejection, the effective date of the standard applied must be included in the specification (no new matter can be entered) and a copy of the standard, (excerpts of the applicable portions are acceptable) must be filed via an information disclosure statement filed in accordance with 37 CFR 1.97 and 1.98.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 2, 6 & 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Wolf et al, US 2004/0056434. Figs. 3 & 7 show a joint boot comprising all the limitations of the claims.

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Allowable Subject Matter

9. Claims 3-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

- 10. Claims 8-12 are allowed because the prior art fails to show a joint boot comprising all the limitations of claims. Schulz et al, US 5,529,538 shows a joint boot comprising many of the limitations of the claim, but fails to show or suggest an upset inner periphery portion like that recited in the claims.
- Claim 13 would be allowable if rewritten or amended to overcome the rejection(s) underU.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion

- 12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Furuta and Toriumi each show a joint boot.
- 13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (571) 272-7077. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Greg Binda

Primary Examiner

Mreg Bindo

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